

**IN THE UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF ARKANSAS  
 HELENA DIVISION**

JUN 10 2019

JAMES W. McCORMACK, CLERK  
 By: *[Signature]* DEP CLERK

JEREMY ROEDER, NICOLE ROEDER,	)	
individually, and as next friend of	)	
JACK CARTER, a minor	)	
	Plaintiffs,	) Case No. <u>2:19-cv-65-BRW</u>
		)
v.	)	
		)
JOHN ROBERT WILLIS and	)	
COOPER AIR FREIGHT SERVICE, INC.	)	<b>Jury Trial Demanded</b>
	Defendants,	)

**COMPLAINT FOR DAMAGES**

Come now the Plaintiffs, Jeremy Roeder, Nicole Roeder, individually and as next friend of Jack Carter, a minor, by and through their attorneys, EASLEY & HOUSEAL, PLLC, and for their cause of action against the Defendants, John Robert Willis and Cooper Air Freight Service, Inc., state:

**JURISDICTIONAL ISSUES**

1. Plaintiffs Jeremy Roeder and Nicole Roeder are married, adult residents of Crittenden County, Arkansas. Jack Carter, a minor, is the son of Nicole Roeder, and primarily resides in Crittenden County, Arkansas.
2. Defendant John Robert Willis is an adult resident of Horn Lake, Mississippi.
3. Defendant Cooper Air Freight Service, Inc. (hereinafter "Cooper Air Freight") is a corporation organized under the laws of the State of Tennessee, with its principal place of business in Shelby County, Tennessee. Defendant Cooper Air Freight

*This case assigned to District Judge Wilson  
 and to Magistrate Judge Ray*

may be served through its registered agent for service, Donald W. Cooper, at 1081 Arkansas St., Memphis TN 38106-2516. At the time of the collision complained of herein, Defendant Robert Willis was operating a tractor trailer owned by Cooper Air Freight. Accordingly, Cooper Air Freight should be responsible for the actions and inactions of Defendant Willis under the doctrine of *respondeat superior*.

4. This cause of action concerns a motor vehicle accident which occurred in Crittenden County, Arkansas on or about February 13, 2018. The amount in controversy exceeds \$75,000.00 and there is diversity of citizenship between the Plaintiffs and Defendants. This Court has jurisdiction over this cause pursuant to 28 U.S.C. § 1332, and venue is proper in the Helena Division of the Eastern District of Arkansas.

#### FACTS AND ALLEGATIONS

5. On or about February 13, 2018, at approximately 4:50 p.m., Plaintiff Jeremy Roeder was operating his 2014 GMC Sierra south-bound on Interstate 55 on the Mississippi-Arkansas Memorial Bridge that crosses the Mississippi River, commonly referenced as the "Old Bridge". It was daylight, and conditions were dry.

6. Also in the vehicle with Jeremy were his wife, Nicole, traveling in the front passenger seat, and Jeremy's step-son, Jack Carter, who was seated on the passenger side of the back seat.

7. There was heavy traffic at the time, and traffic slowed to a near standstill. Jeremy had no difficulty safely slowing his vehicle to comply with the slowing traffic in front of him.

8. As traffic slowed, Jeremy saw a large tractor-trailer approaching from his rear at a high rate of speed. He was able to warn Nicole and Jack to brace themselves for the impending collision. Due to the backed-up traffic, Jeremy was unable to maneuver his vehicle to avoid the fast approaching tractor trailer (ultimately determined to be driven by Defendant Willis).

9. At approximately 4:50 p.m., Defendants' tractor trailer struck the rear of Plaintiffs' vehicle with great force. The collision was so significant that it pushed Plaintiffs' vehicle into the tractor trailer in front of Plaintiffs' vehicle, causing a second violent collision. Each of the two collisions were violent and severe.

10. The Plaintiffs experienced extensive injuries as a result of the collision. Jeremy, Nicole, and Jack all incurred medical expense, as well as pain, suffering, and extensive mental anguish. All of Plaintiffs' harms and losses were proximately caused by the negligence of the Defendants. Plaintiffs Jeremy Roeder and Nicole Roeder have injuries that are permanent in nature and are likely to require future medical expense. Plaintiff Nicole Roeder has experienced disfigurement and is likely to require surgery and scarring in the future.

11. Defendants' negligence is evidenced by, but is not limited to, the following particulars:

- a. a failure to maintain a proper lookout;
- b. a failure to maintain control of his vehicle;
- c. a failure to exercise ordinary care;
- d. a failure to yield;
- e. a failure to observe the forward vehicle's superior right to use the road; and
- f. traveling at a speed too fast for conditions;

all in violation of Arkansas law.

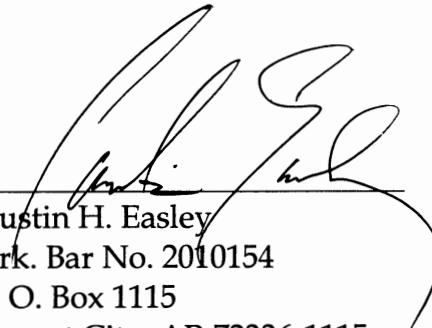
12. Plaintiffs demand a jury trial in Helena, Arkansas.

**WHEREFORE**, Plaintiffs pray for judgment against the Defendants for a sum in excess of than that required for federal jurisdiction in diversity cases, **for a jury trial**, and for all other fit and proper relief.

Respectfully submitted,

**EASLEY & HOUSEAL, PLLC**  
Attorneys for Plaintiffs

By: \_\_\_\_\_

  
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